RADEMARK OFFICE

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## IN THE UNITED STATES PA

## **Declaration for Patent Application**

As a named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated next to my name;

I believe I am the original, first and sole inventor (if only one name is listed) or an original, first and joint inventor (if plural names are listed in the signatory page(s) commencing at page 3 hereof) of the subject matter which is claimed and for which a patent is sought on the invention entitled

COMBINATIO	N THERAPY FOR TREATM	ENT OF ERECTILE DYSFUNCTION	
the specification of which	h (check one)		
[] is attached here	to.		
[X] was filed on	October 23, 1998 as United S	States Application	
Number or PCT	International Application Seri	al No09/177,711	
	ed on(if applic	•	
	at I have reviewed and underst imended by any amendment re	and the contents of the above-identified ferred to above.	specification,
I acknowledge t defined in 37 C.F.R. §1.5		n which is known by me to be material to	patentability as
application(s) for patent	or inventor's certificate listed b	Title 35, United States Code, §119 of any relow and have also identified below any efore that of the application on which pri	foreign application
Prior Foreign Application(s)			Priority Not Claimed
PCT/CA97/00264 (Number)	CA (Country)	23/04/97 (Day/Month/Year filed)	[ ]
9608482 (Number)	UK (Country)	23/04/96 (Day/Month/Year filed)	_ []
(Number)	(Country)	(Day/Month/Year filed)	_ [ ]
I hereby claim the benefi	t under 35 U.S.C. §119(e) of an	ny United States provisional application(	s) listed below.
(Application Number)	(F	Filing Date)	
(Application Number)		Filing Date)	

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information known by me to be material to patentability as defined in 37 C.F.R. §1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

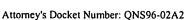
oplication Serial No.) (Filing date)		(Status: patented, pending, abandoned)				
pplication Serial No.) (Filing date)		(Status: patented, pending, abandoned)				
plication Serial No.) (Filing date)		(Status: patented, pending, abandoned)				
pplication Serial No.)	(Filing date)	(Status: patented, pending, abandoned)				
As a named inventor, l	hereby appoint the attorney	ys and/or agents associated with				
Hamilton, Brook, Smit	th & Reynolds, P.C.	Carol Miernicki Steeg, Ph.D.				
2 Militia Drive	02421 4700	Parteq Innovations				
Lexington, Massachus Customer No. 21005	etts 02421-4/99	Queen's University, Kingston Ontario K7L 3N6 Canada				
Customer No. 21005		Registration No. 39,539				
prosecute this application and	d transact all business in the	Patent and Trademark Office connected therewith.				
I also hereby grant add  21005 to file and prosecute	an international application	to the attorneys and/or agents associated with Customer a under the Patent Cooperation Treaty based upon the designated office requirements for designated states;				
I also hereby grant add  21005 to file and prosecute	an international application	under the Patent Cooperation Treaty based upon the				
I also hereby grant add  21005 to file and prosecute ove-identified application, in	an international application cluding a power to meet all	under the Patent Cooperation Treaty based upon the				
I also hereby grant add  2. 21005 to file and prosecute ove-identified application, in  d  Send correspondence t	an international application cluding a power to meet all	n under the Patent Cooperation Treaty based upon the designated office requirements for designated states;  Hamilton, Brook, Smith & Reynolds, P.C., Two Militia				
I also hereby grant add 2. 21005 to file and prosecute ove-identified application, in  d  Send correspondence t  Drive, Lexing	an international application cluding a power to meet all occurred to be a power to meet all occurred to be a power to meet all occurred to be a power to be	n under the Patent Cooperation Treaty based upon the designated office requirements for designated states;  Hamilton, Brook, Smith & Reynolds, P.C., Two Militia				

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole	Michael A. Adams
Inventor's Signature	m 11
Residence	341 Renda Street, Kingston, Ontario, K7M 5X9, Canada
Citizenship	Canadian
Post Office Address	same as above
F.11	
Full name of second join inventor, if any	
Inventor's Signature	Suffeator 18 99
Residence	
Citizenship	Canadian
Post Office Address	same as above
Full name of third joint	
inventor, if any	Donald H. Maurice
Inventor's Signature	H2/
Residence	742 Chatsworth Place, Kingston, Ontario K7P 2E2, Canada
Citizenship	Canadian
Post Office Address	same asaabove

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Applicant or Patentee: Michael A. Adams et al Serial or Patent No.: 09/177,711

Filed or Issued:

October 23, 1998

COMBINATION THERAPY FOR TREATMENT OF ERECTILE DYSFUNCTION For:

## VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37 CFR 1.9 (f) and 1.27 (d) - NONPROFIT ORGANIZATION

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGAN ADDRESS OF ORGAN	GANIZATION:	Queen's University Kingston, Ontario k	C7L 3N6 Can	ada		
[X] [ ] [ ]	TAX EXEMI NONPROFIT	Y OR OTHER INSTITUTION T UNDER INTERNAL REV SCIENTIFIC OR EDUCA NAME OF STATE	ENUE SERV	ICE CODE (26 USC		
[]	WOULD QU	ALIFY AS TAX EXEMPT U			RVICE CODE (26	USC 501(a) and 501(c)(3)
[]	WOULD QU UNITED STA (NAME OF S	O IN THE UNITED STATES ALIFY AS NONPROFIT S ATES OF AMERICA IF LOC TATE DF STATUTE	CIENTIFIC	OR EDUCATIONAL IE UNITED STATES		ITE OF STATE OF THE
paying reduced fees	under Section 4	rganization identified above of the land (b) of Title 35, Unit by inventor(s) Michael A.	ed States Cod	e with regard to the in	vention entitled C	ombinatino Therapy for
[ ] [X ] [ ]		on filed herewith rial no. 09/177,711		iled October 23, 1998 ssued		
I hereby declare that identified invention		ontract or law have been con	nveyed to and	remain with the non	profit organization	with regard to the above
below* and no right CFR 1.9(d) or by an	ts to the invention y concern which parate verified st	ganization are not exclusive, n are held by any person, oth would not qualify as a small atements are required from ea 7).	er than the inv	entor, who could not o ern under 37 CFR 1.9	qualify as a small b (d) or a nonprofit o	ousiness concern under 37 rganization under 37 CFR
NAME:	VAXIS THE	RAPEUTICS CORPORATIO	N			
ADDRESS:	116 Barrie St	reet, Suite 1606, Biosciences	Complex, Kir	ngston, Ontario K7L 3	N6 Canada	
ן און	DIVIDUAL	[X] SMALL BUSINESS C	ONCERN	[ ] NONPROFIT O	RGANIZATION	
		s application or patent, notific ring, the earliest of the issue				

no longer appropriate (37 CFR 1.28(b)). I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed

to be true; and further that these statements were made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such wilful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Dr. Bruce Hutchinson, Director (Research Services)

TITLE OF ORGANIZATION: Queen's University at Kingston

ADDRESS OF PERSON SIGNING: Kingston, Ontario K7L 3N6 Canada

SIGNATURE:

DATE: 1929-01-22







Attorney's Docket Number: ONS96-02A2

Applicant or Patentee: Michael A. Adams et al

Serial or Patent No.: 09/177,711

Filed or Issued: October 23, 1998

COMBINATION THERAPY FOR TREATMEN **ILE DYSFUNCTION** For:

## VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37 CFR 1.9 (f) and 1.27 (c) - SMALL BUSINESS CONCERN

We hereby declare that	we	are
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]	the owner of	the small	business of	concern	identified	below:
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the officials of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN:

VAXIS THERAPEUTICS CORPORATION

ADDRESS OF ORGANIZATION:

116 Barrie Street, Suite 1606, Biosciences Complex, Kingston, Ontario K7L 3N6 Canada

We hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

We hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled: Combination Therapy for Treatment of Erectile Dysfunction by inventor(s) Michael A. Adams, Jeremy P. W. Heaton and Donald H. Maurice

	••	
desc	cribe	d in

the specification filed herewith application serial no. 09/177,711 [X] filed: October 23, 1998 patent no. issued

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e). \*NOTE: Separate verified statements are required from each named person or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27).

NAME:

Queen's University at Kingston

ADDRESS:

Kingston, ON K7L 3N6 Canada

[ ] INDIVIDUAL

[ ] SMALL BUSINESS CONCERN

[X] NONPROFIT ORGANIZATION

We acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 CFR 1.28(b)).

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such wilful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME AND TITLE	OF PERSONS SIGNING:	C. Bruce Ackman President		James D. I Vice Presi	Banting, dent Operatior	ıs
ADDRESS OF PERS	SONS SIGNING:	Varis Therapeutics Corporation U6Barrie Street, Suite 1606, Bi		omplex, Ki	ngston, Ontario	o, K7L 3N6, Canada
SIGNATURE:	C. Bruce Ackraan	<u>/</u>	DATE:	21	JAN	/99
SIGNATURE:	James D. Banting		DATE:	Jo	n 20,	/99